



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

Diane M. Sugimura, Director

CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE

Application Number: 2300872
Applicant Name: Gary M. Abrahams for T-Mobile USA
Address of Proposal: 2101 N 55th St

SUMMARY OF PROPOSED ACTION

Master Use Permit (MUP) to establish use for future installation of a minor communication utility (T-Mobile USA) consisting of three (3) panel antennas to be screened by two artificial penthouses on the rooftop of an existing apartment building¹. Project includes equipment cabinets to be located in existing parking garage inside the structure.

The following approval is required:

SEPA - Environmental Determination pursuant to SMC 25.05

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

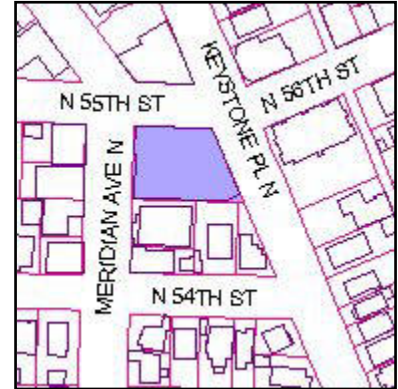
BACKGROUND DATA

Site Location and Description

The subject property, which is developed with a 3-story structure with ground-level offices and upper level residential dwelling units, is located at the southwest corner of N 55th St and Keystone Pl N on the west block front of Keystone Pl N, between N 55th St and N 54th St.

¹ Project revised on October 6, 2003. An administrative conditional use permit is no longer required as a result of the revisions.

Zoning for the site is Neighborhood Commercial 1 with a thirty (30) foot height limit (NC1-30'). Surrounding zoning to the north, south and west is NC1-30'. The eastern block front of Keystone Pl N - from N 56th St to N 54th St - is NC1-30' for the northern ninety-five (95) feet and Single Family 5000 (SF500) for the southern remaining four hundred twenty-five (425) feet.



Proposal Description

The applicant is proposing a rooftop installation of three (3) antennas in two (2) artificial penthouses - a western penthouse location sixty-seven (67) feet south of the north edge of the building and forty-two (42) feet east of the west edge of the building; and an eastern penthouse located fifty-two (52) feet south of the north edge of the building and ninety (90) feet east of the west edge of the building. Each penthouse is seven (7) feet wide by nine (9) feet deep by twelve (12) feet high² and will be painted a color that matches the building.

The antennas are proposed as follows: Two (2) antennas to be located within the western screening structure and oriented to the southeast and southwest; and one (1) antenna to be located within the eastern screening structure and oriented to the north. Electronic equipment cabinets for the antennas are to be located in the parking garage of the same structure.

The proposed rooftop minor communication utility installation and screening is proposed at forty (40) feet above existing grade. The rooftop of the structure is twenty-eight (28) feet above grade and the top of the parapet is thirty (30) feet above grade.

The height limit for the NC1-30' zone is thirty (30) feet above grade, with an exception for minor communication utilities and accessory communication devices permitted to extend a maximum additional height of fifteen (15) feet³.

Public Comment

The public comment period for this project ended June 1, 2003. DCLU received several written comments during the comment period - opposing this proposal for height, aesthetic, electrical interference, health reasons and a perceived decrease in property values. The comments are located within the MUP file.

SEPA ANALYSIS

Environmental review resulting in a Threshold Determination is required pursuant to the State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

² A height established by the applicant to achieve coverage objectives.

³ Refer to SMC 23.57.011C.2.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part: "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation," subject to some limitations. Under such limitations/circumstances (SMC 225.05.665 D1-7) mitigation can be considered.

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated March 14, 2003. The information in the checklist, public comment, and the experience of the lead agency with review of similar projects forms the basis for this analysis and decision.

Short-term Impacts

Construction and Noise Impacts

Codes and development regulations applicable to this proposal will provide sufficient mitigation for most impacts. The initial installation of the antennas and construction of the equipment room may include loud equipment and activities. This construction activity may have an adverse impact on nearby residences. Due to the close proximity of nearby residences, the Department finds that the limitations of the Noise Ordinance are inadequate to appropriately mitigate the adverse noise impacts associated with the proposal. The SEPA Construction Impact policies, (SMC 25.05.675.B) allow the Director to limit the hours of construction to mitigate adverse noise and other construction-related impacts. Therefore, the proposal is conditioned to limit construction activity to non-holiday weekday hours between 7:30 a.m. and 6:00 p.m.

Long-term Impacts

Environmental Health

The Federal Communications Commission (FCC) has pre-empted state and local governments from regulating personal wireless service facilities on the basis of environmental effects of radio frequency emissions. As such, no mitigation measures are warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

The applicant has submitted a "Statement of Federal Communication Commission Compliance for Personal Wireless Service Facility" and an accompanying "Affidavit of Qualification and Certification" for this proposed facility giving the calculations of radio frequency power density at roof and ground levels expected from this proposal and attesting to the qualifications of the Professional Engineer who made this assessment. This complies with the Seattle Municipal Code Section 25.10.300 that contains Electromagnetic Radiation standards with which the proposal must conform. The Department's experience with review of this type of installation is that the EMR emissions constitute a small fraction of that permitted under both Federal standards and the standards of SMC 25.10.300 and therefore pose no threat to public health.

DECISION

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined not to have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)C).

SEPA CONDITIONS

During Construction - The following condition to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DCLU. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

1. In order to further mitigate the noise impacts during construction, the hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:30 a.m. and 6:00 p.m. This condition may be modified by DCLU to allow work of an emergency nature or allow low noise interior work. This condition may also be modified to permit low noise exterior work after approval from the Land Use Planner.

Signature: (signature on file) Date: October 20, 2003
Colin R. Vasquez, Land Use Planner
Department of Design, Construction and Land Use